

REMARKS

By this amendment, the description has been amended to correct the reference numeral on page 5, line 22 to “wheel protrusion 46” thereby to overcome the objection on informalities to the disclosure.

Claims 1-11 and 13-21 are pending in the application. Claims 1-11 and 13-21 have been rejected. By this amendment, claims 1, 7, 9, 13, 14, 18 and 20 have been amended and new claim 22 has been added. The remaining claims 2 – 6, 8, 10, 11, 15 – 17, 19 and 21 are unchanged.

Claim 1-5 and 13-16

Claims 1-5 and 13-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Wark 5,901,887 in view of Kasting 7,121,437.

The Examiner states that it would have been obvious to have substituted the coupling of the Wark body and a member with a ratchet as taught by Kasting to permit the member and body to rotate in one direction only and thus to arrive at the claimed invention.

Wark’s adaptor (cap 12 and adapter 14) is for use with a fuel/gasoline can 10 so that a dispenser body 18 of an ordinary garden hose 16 can be joined to the can 10 (column 2, line 66 to column 3, line 15). As is generally well-known, gasoline gives off highly dangerous and flammable fumes very easily. Thus it would be highly irresponsible for a person to not close and properly seal a fuel can when not in use.

It is thus submitted by the applicant that it would be highly unlikely that a skilled addressee would consider substituting the Wark’s adaptor with the locating member 54 of Kasting. Such a substitution would lead to the fuel can 10 being permanently open and allowing

gasoline fumes to escape from the can. Any stray spark could thus ignite these fumes causing serious damage to property and injury to people.

It is further submitted that it would be rather foolish for a person to substitute the Wark adaptor with the locating member 54 of Kasting on a fuel can. Such substitution would have the inevitable result that the fuel can could not easily be refilled for future use as it would not be possible to disconnect the garden hose 16. The entire purpose for purchasing a fuel can, namely for the transportation of fuel, would thus be negated.

Furthermore, Kasting states that his invention relates to closed loop transfer of chemical concentrates (column 1, lines 6-10). This purpose is also clear from the title of the invention. Neither Wark nor the current application relate to such closed loop arrangements.

Nevertheless, in order to further distinguish the present invention from the disclosures by Wark and Kasting, the applicant has restricted claim 1 to a closure arrangement for containers containing a paste.

Claim 13 has been redrafted so that it is substantially similar to currently amended claim 1 with a further restriction wherein the container is for containing a substance for medical applications.

In the current invention, as stated in the description of the invention, the invention is directed to use with containers containing a paste. An example of such a paste is given in the background to the invention as being related to medical applications and to the prevention of children obtaining and consuming excess quantities of such pastes. As such, the invention is directed to containers that would ordinarily be found within a household. Other types of pastes would include, amongst others, toothpaste, skin creams and sport related medical pastes.

Normally these household pastes are contained in flexible compressible containers from which they are squeezed out. However, other types of containers, such as gun containers with a movable plunger, can also be used.

In view of the foregoing, the applicant respectfully submits that the Examiner has erred in rejecting claim 1-5 and 13-16 as being unpatentable over Wark in view of Kasting.

Claim 7-11 and 18-21

Claims 7-11 and 18-21 were rejected under 35 U.S.C. § 103 as being unpatentable over Wark 5,901,887 in view of Kasting 7,121,437, and further in view of Magsaysay UK 2025379.

The Magsaysay dispensing head shows a dispensing body with a chamber for dispensing discrete volumes of the contents of a collapsible container. However, Magsaysay does not suggest anywhere that the dispensing head should be non-removably attached to the container. In contrast, Magsaysay clearly envisions that the dispensing head must be removable from the container. To this end, Magsaysay states that the threaded bore can be replaced with a snap-on form (lines 122-127). He also states as one of the objectives of the invention (lines 21-24) that the dispensing head does not have to be detached from the tube every time the contents of the tube are dispensed. The dispensing head is thus clearly seen as a detachable item.

It is thus submitted that it would not be obvious to a skilled addressee to have modified the Magsaysay dispensing head with the Kasting locating member.

Furthermore, the Magsaysay dispensing head is directed to collapsible tube containers. Such a container is not suggested by either Wark or Kasting. In contrast the fuel can of Wark and the chemical containers of Kasting would specifically require rigid containers. Thus even if it is considered that the previous discussion pertaining to claims 1 and 13, is not valid, then it is

further submitted that it would not have been obvious to combine the Wark/Kasting dispenser with the Magsaysay dispensing head.

In view of the foregoing, applicant respectfully submits that the Examiner has erred in rejecting claim 7-11 and 18-21 as being unpatentable over Wark in view of Kasting, and further in view of Magsaysay.

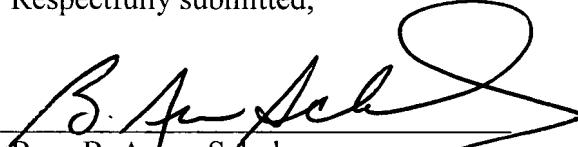
Conclusion

No new matter has been introduced by the amendments.

In view of the foregoing, applicant believes that this application is in condition for immediate allowance and a favorable reconsideration is respectfully requested.

Respectfully submitted,

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